

Pt. 12

the NRDAM/GLE at the point that the identified substance entered a Great Lakes environment (see Section 3, Volume I of the NRDAM/GLE technical document); and

Substitute suspended sediment concentration stated in milligrams per liter.

For mean settling velocity of suspended solids:

Mean settling velocity of suspended sediments, stated in meters per day, assigned by the NRDAM/GLE at the point that the identified substance entered a Great Lakes environment (see Section 3, Volume I of the NRDAM/GLE technical document); and

Substitute suspended sediment concentration stated in milligrams per liter.

For habitat type:

Latitude and longitude bounds of area for which the habitat type is being modified;

Habitat type assigned by the NRDAM/GLE (see Section 6.2, Volume III of the NRDAM/GLE technical document); and

Substitute habitat type.

If the authorized official turns off the ice modeling function, then he or she must provide documentation that ice was absent from the site of the release.

Definitions

Nearshore fishery—fishery in an open water area that is less than 30 feet in depth or is in a connecting channel.

Offshore fishery—fishery in an open water area that is 30 feet or more in depth.

Wetland fishery—fishery that is not in an open water area.

[61 FR 20614, May 7, 1996]

PART 12—ADMINISTRATIVE AND AUDIT REQUIREMENTS AND COST PRINCIPLES FOR ASSISTANCE PROGRAMS

Subpart A—Administrative and Audit Requirements and Cost Principles for Assistance Programs

Sec.

12.1 Scope of part.

12.2 What policies are financial assistance awards and subawards in the form of grants and cooperative agreements subject to?

12.3 Effect on prior issuances.

12.4 Information collection requirements.

12.5 Waiver.

43 CFR Subtitle A (10–1–08 Edition)

Subpart B [Reserved]

Subpart C—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments

GENERAL

12.41 Purpose and scope of this part.

12.42 Scope of subpart.

12.43 Definitions.

12.44 Applicability.

12.45 Effect on other issuances.

12.46 Additions and exceptions.

PRE-AWARD REQUIREMENTS

12.50 Forms for applying for grants.

12.51 State plans.

12.52 Special grant or subgrant conditions for “high-risk” grantees.

POST-AWARD REQUIREMENTS

Financial Administration

12.60 Standards for financial management systems.

12.61 Payment.

12.62 Allowable costs.

12.63 Period of availability of funds.

12.64 Matching or cost sharing.

12.65 Program income.

12.66 Non-Federal audit.

CHANGES, PROPERTY, AND SUBAWARDS

12.70 Changes.

12.71 Real property.

12.72 Equipment.

12.73 Supplies.

12.74 Copyrights.

12.76 Procurement.

12.77 Subgrants.

REPORTS, RECORDS, RETENTION, AND ENFORCEMENT

12.80 Monitoring and reporting program performance.

12.81 Financial reporting.

12.82 Retention and access requirements for records.

12.83 Enforcement.

12.84 Termination for convenience.

AFTER-THE-GRANT REQUIREMENTS

12.90 Closeout.

12.91 Later disallowances and adjustments.

12.92 Collection of amounts due.

ENTITLEMENTS [RESERVED]

Subpart D [Reserved]

Office of the Secretary, Interior

Pt. 12

Subpart E—Buy American Requirements for Assistance Programs

BUY AMERICAN ACT—SUPPLIES

- 12.700 Scope.
- 12.705 Definitions.
- 12.710 Policy.
- 12.715 Evaluating offers.
- 12.720 Excepted articles, materials, and supplies.
- 12.725 Solicitation provisions and contract clause.
- 12.730 Buy American Act—Supplies.

BUY AMERICAN ACT—CONSTRUCTION MATERIALS

- 12.800 Scope.
- 12.805 Definitions.
- 12.810 Policy.
- 12.815 Evaluating offers.
- 12.820 Violations.
- 12.825 Solicitation provision and contract clause.
- 12.830 Buy American Act—Construction materials.

Subpart F—Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations

GENERAL

- 12.901 Purpose.
- 12.902 Definitions.
- 12.903 Effect on other issuances.
- 12.904 Deviations.
- 12.905 Subawards.

PRE-AWARD REQUIREMENTS

- 12.910 Purpose.
- 12.911 Pre-award policies.
- 12.912 Forms for applying for Federal assistance.
- 12.914 Special award conditions.
- 12.915 Metric system of measurement.
- 12.916 Resource Conservation and Recovery Act (RCRA) (Pub. L. 94-580 codified at 42 U.S.C. 6962).
- 12.917 Certifications and representations.

POST-AWARD REQUIREMENTS

Financial and Program Management

- 12.920 Purpose of financial and program management.
- 12.921 Standards for financial management systems.
- 12.922 Payment.
- 12.923 Cost sharing or matching.
- 12.924 Program income.
- 12.925 Revision of budget and program plans.
- 12.926 Non-Federal audits.
- 12.927 Allowable costs.

- 12.928 Period of availability of funds.

Property Standards

- 12.930 Purpose of property standards.
- 12.931 Insurance coverage.
- 12.932 Real property.
- 12.933 Federally owned and exempt property.
- 12.934 Equipment.
- 12.935 Supplies and other expendable property.
- 12.936 Intangible property.
- 12.937 Property trust relationship.

Procurement Standards

- 12.940 Purpose of procurement standards.
- 12.941 Recipient responsibilities.
- 12.942 Codes of conduct.
- 12.943 Competition.
- 12.944 Procurement procedures.
- 12.945 Cost and price analysis.
- 12.946 Procurement records.
- 12.947 Contract administration.
- 12.948 Contract provisions.

Reports and Records

- 12.950 Purpose of reports and records.
- 12.951 Monitoring and reporting program performance.
- 12.952 Financial reporting.
- 12.953 Retention and access requirements for records.

Termination and Enforcement

- 12.960 Purpose of termination and enforcement.
- 12.961 Termination.
- 12.962 Enforcement.

AFTER-THE-AWARD REQUIREMENTS

- 12.970 Purpose.
- 12.971 Closeout procedures.
- 12.972 Subsequent adjustments and continuing responsibilities.
- 12.973 Collection of amounts due.

APPENDIX A TO SUBPART F—CONTRACT PROVISIONS

AUTHORITY: E.O. 12549 (3 CFR, 1986 Comp., p. 189); E.O. 12689 (3 CFR, 1989 Comp., p. 235); sec. 2455, Pub. L. 103-355, 108 Stat. 3327 (31 U.S.C. 6101 note); 5 U.S.C. 301; U.S.C. 6101 note.

CROSS REFERENCE: See also Office of Management and Budget notice published at 55 FR 21679, May 25, 1990, and 60 FR 33036, June 26, 1995.

EDITORIAL NOTE: For additional information, see related documents published at 49 FR 24958, June 18, 1984; 52 FR 20178 and 20360, May 29, 1987; 53 FR 8028, Mar. 11, 1988; 53 FR 19160, May 26, 1988; and 53 FR 34474, Sept. 6, 1988.

§ 12.1

Subpart A—Administrative and Audit Requirements and Cost Principles for Assistance Programs

SOURCE: 50 FR 6176, Feb. 14, 1985; 56 FR 45898, Sept. 9, 1991, unless otherwise noted.

§ 12.1 Scope of part.

This part prescribes administrative requirements and cost principles for grants and cooperative agreements entered into by the Department.

§ 12.2 What policies are financial assistance awards and subawards in the form of grants and cooperative agreements subject to?

(a) All financial assistance awards and subawards, in the form of grants and cooperative agreements, in accordance with paragraph (b) of this section, are subject to subparts C, D, E, and F of this part, OMB Circulars A-102, "Grants and Cooperative Agreements with State and Local Governments," A-110, "Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations," A-87, "Cost Principles for State and Local Governments," A-21, "Cost Principles for Educational Institutions," A-122, "Cost Principles for Non-Profit Organizations," and A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

(b)(1) Governmental recipients and subrecipients are subject to subparts C, D, and E of this part, Circulars A-87 and A-133.

(2) Institutions of higher education which are recipients or subrecipients are subject to subparts D, E, and F of this part, Circulars A-110, A-21, and A-133.

(3) Non-profit organizations which are recipients or subrecipients are subject to subparts D, E, and F of this part, Circulars A-110, A-122, and A-133.

(c) The circulars prescribed by this part published in the FEDERAL REGISTER are made a part of this regulation and include changes published in the FEDERAL REGISTER by OMB.

(d)(1) Federal ethics and conduct regulations contained in 5 CFR part 2635 implement Executive Order 12674, 3 CFR, 1989 Comp., p. 215 (as modified by Executive Order 12731, 3 CFR, 1990

43 CFR Subtitle A (10-1-08 Edition)

Comp., p. 306), "Principles of Ethical Conduct for Government Officers and Employees," by prohibiting employees from endorsing in an official capacity the proprietary products or processes of manufacturers or the services of commercial firms for advertising, publicity, or sales purposes. The Department's use of materials, products, or services does not constitute official endorsement.

(2) The policy in paragraph (d)(1) of this section applies to a grant/cooperative agreement whose principal purpose is a partnership where the recipient/partner contributes resources to promote agency programs, publicize agency activities, assists in fund-raising, or provides assistance to the agency. In the event that such a grant/cooperative agreement is awarded to a recipient, other than a State government, a local government, or a Federally-recognized Indian tribal government, and authorizes joint dissemination of information and promotion of activities being supported, the following provision shall be made a term and condition of the award:

GRANT/COOPERATIVE AGREEMENT PROVISION

Recipient shall not publicize or otherwise circulate, promotional material (such as advertisements, sales brochures, press releases, speeches, still and motion pictures, articles, manuscripts or other publications) which states or implies governmental, Departmental, bureau, or government employee endorsement of a product, service, or position which the recipient represents. No release of information relating to this award may state or imply that the Government approves of the recipient's work products, or considers the recipient's work product to be superior to other products or services.

All information submitted for publication or other public releases of information regarding this project shall carry the following disclaimer:

The views and conclusions contained in this document are those of the authors and should not be interpreted as representing the opinions or policies of the U.S. Government. Mention of trade names or commercial products does not constitute their endorsement by the U.S. Government.

Recipient must obtain prior Government approval for any public information releases concerning this award which refer to the Department of the Interior or any bureau or employee (by name or title). The specific